

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES MICHAEL PARKER,

Defendant.

**CR-11-55-BMM**

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on September 12, 2017. (Doc. 52.) Mr. Parker waived his 14-day period to appeal the Findings and Recommendations. (Doc. 52 at 5.) Consequently, neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a final revocation hearing on September 12, 2017. (Doc. 51.) Parker admitted that he violated the conditions of his supervised release.

(Doc. 51.) Parker violated the conditions of his supervised release by 1) failing to report to sexual offender counseling on October 4, 2016, and October 11, 2016; 2) using methamphetamine on or about October 8, 2016, and Klonopin, a Schedule IV controlled substance, without an authorized prescription on October 11, 2016; 3) failing to report for random urinalysis testing; and 4) failing to participate in and complete a substance abuse treatment program by failing to report as scheduled on October 10, 2016. *Id.* Parker neither admitted nor denied that he failed to follow the probation officer's instructions. *Id.* Judge Johnston has recommended that the Court revoke Parker's supervised release. *Id.* at 6. Further, Judge Johnston has recommended Parker should be sentenced to time served through September 13, 2017 at 12:00p.m., with 25 months of supervised release to follow. *Id.*

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Parker's violations of his conditions represent a serious breach of the Court's trust. A sentence of time served through September 13, 2017, at 12:00p.m., followed by 25 months of supervised release, represents a sufficient, but not greater than necessary sentence.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 52) is **ADOPTED IN FULL**.

**IT IS FURTHER ORDERED** that Defendant James Michael Parker be sentenced to time served through September 13, 2017, at 12:00p.m., followed by 25 months of supervised release.

DATED this 12th day of September, 2017.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line underneath it.

Brian Morris  
United States District Court Judge